

**IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL.**

Writ Petition No. 3036 (S/S) of 2001

Keshav Dutt Mathela,
aged about 40 years,
S/o late Sri T.R. Mathela,
Resident of Ever Foyal University Quarter,
Barapathar, Nainital.

.....Petitioner

V e r s u s

1. State of Uttaranchal, through Secretary, Education, Government of Uttaranchal, Dehradun.
2. Kumaon University, Nainital through its Vice Chancellor.
3. Registrar, Kumaon University, Nainital.

.....Respondents

Hon'ble M.M. Ghildiyal, J.

1. Heard Sri T.S. Rautela, learned counsel for the petitioner, Sri B.D. Upadhyay, learned counsel for the respondents no. 2 and 3 and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondent no. 1.
2. By means of this writ petition, the petitioner has prayed to issue a writ, order, rule or direction in the nature of Mandamus commanding the opposite parties to make payment of salary to the petitioner in the revised pay scale of Rs. 1400 -2300.
3. The submission of the petitioner is that he was appointed on the post of draftsman with respondent University vide order dated 05.01.1990 in the pay scale of Rs. 470- 15 – 575 – e.b. – 15 – 550 – 17 – 701 – e.b. – 17 -735. In the year 1986, the pay scales were revised and the pay scale of Rs. 470 – 735 was revised as Rs. 1200 – 2040.

4. The petitioner has contended that the draftsmen in HNB Garhwal University are being paid revised pay scale of Rs. 1400 – 40 – eb- 1800 – be- 50 – 2300 on the basis of order passed by government on 31.01.1996. The said order was passed on the recommendation of Santa Samiti, U.P. The draftsmen of Garhwal University are getting revised pay scale after completing 7 years satisfactory service in the pay scale of Rs. 1200 – 2040. The petitioner was appointed on 05.01.1990 as draftsman in the pay scale of Rs. 1200 – 2040 and has completed 7 years of satisfactory service on 05.01.1997 and as such, he is also entitled to get same revised pay scale of Rs. 1400 – 2300 as being paid to other similarly situated persons in other universities such as Garhwal University.
5. In this context Kumaon University has requested the Government vide letter dated 06.06.1998 to remove the anomaly of revised pay scale for the post of draftsman between Garhwal University and Kumaon University.
6. In reply to this letter, government has made some queries from the University. Learned counsel for the University has submitted that information required by the government has already been furnished and in fact, on 12.10.2000 Registrar, Kumaon University wrote a letter to the Special Secretary, Education, UP. Government, Lucknow to sanction the similar pay scale to the draftsmen of Kumaon University at par with the pay scale sanctioned to the draftsmen of Garhwal University.
7. In spite of this letter, no action has been taken by the respondent no. 1 to remove the discrepancy in the scale of

Draftsman of Kumaon University and Garhwal University till date.

8. Prima facie it appears that there is discrepancy between the pay scale granted to the draftsmen of Kumaon University and Garhwal University.
9. In the circumstances stated above, I think it just and proper to direct the respondent no. 1 to take appropriate decision for removal of discrepancy between the pay scale granted to the draftsmen of Kumaon University and Garhwal University at the earliest, at any rate, within a period of three months from the date of production of certified copy of this order.
10. With this direction the writ petition is finally disposed of.
No order as to costs.

(M.M. Ghildiyal, J)

June 29, 2006
SKSharma